

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ANGELA LYNNE MARTIN,
Individually and as Administratrix of
the ESTATE OF HOWARD
EDWARD MARTIN, JR.,

Plaintiff,

v.

NORFOLK SOUTHERN RAILWAY
COMPANY, TODD MICHAEL
BUBNIS, JAMES ERNEST
MOFFETT, and CLINTON
TOWNSHIP,

Defendants.

No. 4:15-CV-02034

(Judge Brann)

ORDER

AND NOW, this 24th day of March 2021, in accordance with the accompanying Memorandum Opinion, **IT IS HEREBY ORDERED** that:

1. Defendants' Motion for Summary Judgment (Doc. 101) is **GRANTED** in part and **DENIED** in part. It is granted to the extent it seeks to dismiss Plaintiff's claim based on Norfolk Southern's self-imposed duties. It is denied to the extent it seeks dismissal of Plaintiff's inadequate signage claim on the basis that this claim is preempted and that Norfolk Southern has satisfied its common-law duty of care. Defendants' motion is also denied to the extent it seeks

dismissal of Plaintiff's claims under the doctrine of comparative negligence.

2. Defendants' Motion for Summary Judgment (Doc. 85) is **DENIED as moot.**
3. Defendant Clinton Township's Motion for Summary Judgment (Doc. 88) is **DENIED as moot.**¹

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

United States District Judge

¹ In November 2019, Plaintiff released all claims against Clinton Township. Doc. 122.